IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34809 of 2007(R)

PETITIONER:

K.J.THOMASKUTTY, S/O. JOSEPH,
KUNNAMTHANATHU HOUSE, KUMARAMPEROOR VADAKKEKARA
MURI, VADASSERIKKARA VILLAGE.

BY ADV. SRI.LIJU.V.STEPHEN

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER,
A.P.T.S. HEAD QUARTERS, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
PATHANAMTHITTA ELECTRICAL DIVISION,
PATHANAMTHITTA.

4. THE ASSISTANT EXECUTIVE ENGINEER,
VADASSERIKKARA ELECTRICAL SECTION,
VADASSERIKKARA.

5. ASSISTANT ENGINEER,
VADASSERIKKARA ELECTRICAL SECTION,
VADASSERIKKARA, PATHANAMTHITTA.

6. ASSISTANT EXECUTIVE ENGINEER,
ANTI POWER THEFT SQUAD, POOVANTHURUTH P.O.,
KOTTAYAM-12.

BY ADV. SRI. P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

= =

WP(C).No.34809 of 2007-R

= =

Dated this the 23rd day of November, 2007.

JUDGMENT

1.I have heard the learned counsel for the petitioner and the learned standing counsel for the Board.

2.The petitioner faced proceedings at the hands of the APTS some time in 2005 and was issued a demand for Rs.19,30,500/- in April, 2005. He filed a civil suit and was successful in having an unconditional ad-interim order until that suit was dismissed for default. He moved the Consumers' Grievance Redressal Forum, which did not interfere, in the wake of the fact that the petitioner had filed a case before the Lok Ayukta and also before the civil court. As of now, the petitioner is under threat of disconnection and seeks indulgence to sustain the supply and take recourse to proceedings under the Electricity

Act.

3.In the aforesaid circumstances, this writ petition is disposed of directing that if the petitioner files an appeal against Ext.P7 by treating it as a final decision at the hands of the first authority, the competent authority will decide on that appeal in terms of Section 127 of the Electricity Act and until a decision is taken on that appeal, supply of energy to the premises shall not be disconnected on any ground referable to Ext.P7 provided the petitioner deposits an amount of Rs.10 lakhs within two weeks from now and also produces evidence within four weeks before the appellate authority of having withdrawn all other litigations and complaints since it is impermissible to let the petitioner litigate issues before different fora simultaneously.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/